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OFFICE OF PETITIONS

In re Application of	:
Ramasubramanian et al.	: DECISION DISMISSING
Application No. 09/919,050	: PETITION
Filed: 31 July, 2001	:
Attorney Docket No. CR00257M	:

This is a decision on the petition under 37 CFR 1.182 on 31 July, 2001. The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

The petition is **dismissed**.

Petitioners state that a provisional application was filed on 29 December, 2000, to which the above-identified nonprovisional application is to claim priority. Petitioners state that no filing receipt was received for the provisional application, and request that the Office accept a claim of priority in the above-identified nonprovisional application to the prior-filed provisional application. Petitioners state that the provisional application was deposited by Express Mail on 29 December, 2000, and have included a copy of the provisional application cover sheet as well as the Express Mail mailing label.

A review of Office records reveals that no provisional application with the invention title described on the Provisional Application Cover Sheet appears to have ever been received in the USPTO and assigned an application number.

Petitioners should note that 37 CFR 1.10(e) provides that:

Any person mailing correspondence properly addressed to the Office with sufficient postage utilizing "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the

correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

Petitioners should consider filing a petition under 37 CFR 1.10(e) to accord the provisional application a filing date of 29 December, 2000.

As the present petition under 37 CFR 1.182 is inappropriate, the petition will be dismissed. Counsel's deposit account, No. 13-4772, will be charged the petition fee of \$130.00.

The application file is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



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